

Upper Chamber Report

Raegan Weber, Press Director
Kallarin Richards, Editor in Chief

TOP STORY

Legislative Day 14: Ethics and Emory Hot Topics in Senate, Members recognize Local Icons



Sen. Fort addresses death at Emory Sleep Center.

By Kallarin Richards

CHAMBER (Feb. 8, 2010) – Another ingredient has been added to the debate over ethics reform in the shape of a bill that stipulates anyone appointed to the State Ethics Commission cannot have been fined by the Commission for the last 10 years prior to their appointment. Filed today by Sen. Steve Henson (D-Tucker), he stressed

that the public should have confidence that lawmakers are conducting the people's business in an appropriate and ethical manner. This bill adds to the long list of legislation that has already been filed by various lawmakers to reinforce the legislature's ethics code.

After news broke this morning of a 25-year-old man who died while participating in a sleep study at the Emory Sleep Center, Sen. Vincent Fort (D-Atlanta) cautioned lawmakers to be careful in their dealings with the University. He denounced that no public comment had yet been made on the school's behalf. He related the incident to Emory's role in the closing of Grady Hospital's Dialysis Center last September, which he says resulted in the death of three Grady Patients.

While no bills were taken up for consideration on the floor today, senators took the opportunity to recognize some outstanding constituents from their communities. Today marked 4-H Day at the State Capitol, and Sen. Jonny Grant (R-Milledgeville) had the honor of introducing a Senate Resolution recognizing the event. The U.S.'s largest 4-H center lies in Sen. Grant's district in Putnam County. The 4-H members who filled the Capitol halls in their traditional green blazers are part of the 6 million young people across America learning leadership,



Sen. Grant welcomes 4-H students to the Capitol.

citizenship and life skills through the organization's programs.

An Eagle Scout himself, Sen. Chip Pearson (R-Dawsonville) congratulated Tsali Bentley on attaining Eagle Scout rank, the most distinguished rank conferred by the Boy Scouts of America. Only one scout out of 97 ever reaches this lofty level of achievement. On Thursday, the State Capitol will celebrate

the centennial anniversary of the Boy Scouts of America.

Continued on Page 4

Public Safety Committee Votes to Change the Rules of the Road

By Jennifer Kitt

CLOB 307 (Feb. 8, 2010) - The Senate Public Safety Committee met today to discuss Sen. Jim Butterworth's (R-Cornelia) Senate Bill 245, which allows local governments to sanction races on public roads. Sen. Butterworth said the races should be decided at the local level and will have a positive effect on the state's economic development. There were many concerns about the bill, including one from Sen. Emanuel Jones (D-Decatur) about the affect races could have on residential areas. Questions were also asked about the safety of race spectators and who would be liable if accidents occurred. The bill narrowly passed with at 6 to 5 vote.

The committee also heard testimony on Chairman Jack Murphy's (R-Cumming) legislation that requires an expert's affidavit to be filed along with any damages alleging malpractice against a certified peace officer. Attorney Lance Larrusso spoke in favor of the bill, saying it will not affect any criminal investigations from law enforcement officials, but will reduce the amounts of frivolous law suits made against police offers. Attorney Brian Spears spoke against the bill and said the need for an expert could negatively effect investigations and other proceedings. The committee moved to table the legislation and conduct further discussion. □

Sen. Butterworth Unveils Transparency in Government Act and Paper Reduction Act

By Katie Wright

ATLANTA (Feb. 8, 2010) – Today, Sen. Jim Butterworth (R-Clarksville) unveiled legislation promoting further transparency and savings in government. The Transparency in Government Act will enhance reporting requirements of the public information website, open.georgia.gov. The Paper Reduction Act will bring cost savings by reducing the unnecessary, wasteful use of paper and increase electronic distribution and publication practices.

"Economic struggles encourage efficiency and the Paper Reduction Act is just one small way to save money and bring state government into the 21st century," said Butterworth. "Increasing transparency and enhancing open.georgia.gov is a priority of mine and will allow the public the information they deserve."

Lt. Gov. Casey Cagle was also in attendance at the press conference. He added his support by saying:

"I applaud Senator Butterworth for his work and leadership to bring savings and enhance transparency in state government. In this economy, every dollar counts and that is why we need to identify every avenue possible to save money. It is also why taxpayers deserve the right to know how their hard-earned money is spent.

"Businesses have long practiced the move from paper to

paperless and have seen real cost savings. There is no reason state government should not do the same to not only promote the financial savings found in reducing the entire printing

process, but to also lessen environmental impact. At the end of the day, our goal is for the state's checkbook to be open and available to taxpayers, who provide our ultimate accountability," said Lt Governor Casey Cagle.

These bills come from recommendations expected to be included in the final report from the Budget Task Force, which is comprised of experienced business leaders and accounting professionals who will provide recommendations to the Senate regarding both short and long-term budget solutions. These solutions include consolidation of services, greater efficiency and cutting unnecessary spending. The group was tasked with identifying new ways to balance the budget without drastic cuts to essential services or raising taxes in this economy. Lt. Gov. Cagle and Senate leadership announced the task force in



Continued on Page 3

Wiles Proposes Incentives to Local Governments Utilizing U.S. Immigrations and Customs Enforcement Programs

By Raegan Weber

ATLANTA (Feb. 8, 2010) - State Sen. John Wiles (R-Kennesaw) today introduced legislation that would provide monetary incentives for local governments to utilize U.S. Immigrations and Customs Enforcement (ICE) Section 287(g) and Secured Communities programs so that criminal illegal aliens are identified and turned over to the proper authorities.

“Many people from other nations move to the U.S. and Georgia and become law-abiding American citizens to find a better life for their families. Unfortunately, there are some that choose to circumvent our laws,” said Wiles. “We must incentivize local governments to use Section 287(g) and Secured Communities so we can quickly identify criminal illegal aliens, get them out of local jails and to the ICE. There is a growing concern that many criminal illegal aliens are not being identified because local governments do not participate in these important programs. I want to help the local jail systems participate in these federal programs so that criminals are transferred to the federal government for detention.”

Wiles’ bill (SB 385) would provide a 20 percent bonus from the state to local governments that utilize the ICE 287(g) program and a 10 percent bonus from the state for those that utilize the Secured Communities program. ICE ACCESS (Agreements of Cooperation in Communities to Enhance Safety and Security) provides local law enforcement agencies an opportunity to team with ICE to combat specific challenges in their communities.



“As Sheriff of Cobb County, I support any legislation that requires the State to financially meet their custodial responsibilities for state-sentenced inmates. Today we have 309 convicted inmates, of which 14 currently have ICE Holds, awaiting transfer to the

Georgia Department of Corrections. Since we are receiving less than 50% of the actual cost to house these inmates, any efforts to reduce this burden would be a bonus to the taxpayers of Cobb County,” said Sheriff Neil Warren.

The Section 287(g) program is only one component under the ICE ACCESS umbrella of services and programs offered for assistance to local law enforcement officers. ICE developed the ACCESS program in response to the widespread interest from local law enforcement agencies who have requested ICE assistance through the Section 287(g) program, which trains local officers to enforce immigration law as authorized through Section 287(g) of the Immigration and Nationality Act.

Continued on Page 4

From Page 2

early January and expect a final report in February.

The Transparency in Government Act will expand the public information website open.georgia.gov to include all three branches of government, any regional education service agency, all local boards of education, federal pass through dollars and contracts and expenditures made by the General Assembly. With this legislation, the General Assembly will be included in the auditing and tracking functions of open.georgia.gov, run by the Department of Audits and Accounts. This bill ensures all fiscal actions of the entire legislative arm of state government are available for the general public to find.

The Paper Reduction Act is a prescription to save time and money, and increase efficiency. It will mandate electronic distribution and publication in state government, unless printing is necessary by a legal standard. This will provide easier, more instantaneous access to government information as well as cut costs of printing, paper, and mailing.

□

Resolution Passes to Urge Congress to Provide Fair, Accurate, and Unbiased Census Data

By Adam Sweat

CAP 450 (Feb 8, 2010) - The Senate Reapportionment and Redistricting Committee passed a bill by a large majority that focuses on getting Congress to provide a fair, accurate and unbiased account of the population. Voting 11-1, the committee passed Senate Resolution 761 sponsored by Chairman Judson Hill (R-Marietta), who noted that these statistics are extremely valuable to the state as they determine the distribution of congressional seats, as well as how federal funds are distributed throughout the state.

Sen. Vincent Fort (D-Atlanta) voiced his concerns about the lack of representation of African-Americans, Latinos, and other people of color in the census if sampling is being conducted by the Census Bureau. However, members of the Census Bureau assured him that sampling practices are not being used.

Members from the Georgia Department of Community Affairs (DCA) were on hand to update the members on their progress. As a part of DCA, Debra Lions serves as co-chair of the Georgia Complete Count Committee. The committee's goal is to leverage re-



sources across the state to ensure that all Georgia citizens are accounted for in the next national census. She cited numerous groups of individuals who are not typically represented in the census, including renters, those who live in secured buildings or gated communities, scattered mobile home owners, and those who live in high crime areas. □

From Page 1

By virtue of being the longest-serving member and dean of the Senate, Sen. George Hooks (D-Americus) represented all 56 senators in honoring Jerry Griffin on his retirement as executive director of the Association County Commissioners of Georgia (ACCG). A native of Spalding County, Mr. Griffin has served over 40 years in state and local government. Sen. Hooks was honored to present a resolution recognizing Georgia's local government as he represents more cities and counties than any other state senator in the U.S.

Sen. John Douglas (R-Social Circle) shared his experience of participating in the Purple Heart Outdoors/Operation One Voice Quail Hunt in Albany over the weekend, which brings together U.S. soldiers who have been injured while serving in Iraq or Afghanistan. This year, the event also welcomed three New York City firefighters who were involved in rescue efforts during 9-11. □

From Page 3

Secured Communities is a Department of Homeland Security initiative that improves public safety by implementing a comprehensive, integrated approach to identify and remove criminal aliens from the United States. The Secure Communities Program Management Office coordinates all ICE planning, operational, technical, and fiscal activities devoted to transforming, modernizing, and optimizing the criminal alien enforcement process. □



Special Judiciary Committee takes the Guessing Game out of Private Right of Action

By Raegan Weber

CLOB 310 (Feb. 8, 2010) – The Senate Special Judiciary Committee today narrowly passed Chairman John Wiles’ (R-Kennesaw) Transparency in Lawsuits Protection Act (SB 138). Chairman Wiles reintroduced the bill that was held over from the 2009 Legislative Session in order to take the guessing game out of a plaintiff’s right to bring a civil law suit.

Current Georgia law leaves interpretation up to the courts if a citizen has a private right to sue in addition to prosecutors’ criminal suits. Wiles suggests that there is too much room for misinterpretation of legislative intent. The bill creates new Code Section 9-2-8, which makes it clear that a private right of action does not automatically arise when a legislative enactment occurs, unless expressly provided in the statute.

Mr. Cary Silverman, a lawyer and representative for the American Legislative Exchange Council (ALEC),

testified that including this code in Georgia law will provide clearer guidelines for plaintiffs, reduce costs for defendants and may prevent some needless law suits which raise court costs. He also noted that by adding this code, the legislature will be more conscious of the provisions and penalties they are putting into state laws.

Many senators on the committee expressed their concern of the need for change if the courts have correctly interpreted state laws. They questioned if this was a necessary corrective action. In addition, senators wanted to ensure that this new statute would not apply to tort and contract laws. Supporters of the bill testified that this was proactive legislation so as to prevent any misinterpretations and agreed to the tort and contract law exemptions.

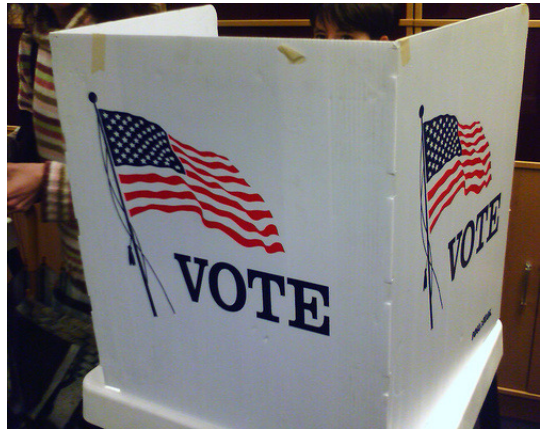
The bill passed by committee substitute with a narrow margin of 5-4. □

Ethics Committee Elects to Review Voting Regulations

By Natalie Strong

CAP Mezz (Feb. 8, 2010) - The Senate Ethics Committee met on Monday to discuss House Bill 450, regarding election regulations. Last year, HB 450 passed the House unanimously but never made it to the Senate Floor. Michael O’Sullivan, legislative director for the Secretary of States Office, testified on behalf of Rep. Austin Scott (R-Tifton), the bill’s author. O’Sullivan gave a lengthy run down of the bill’s stipulations and highlighted additions made since the 2009 Session. Additions to the bill include changes to terminology clarifying early voting sites as polling places, requirements for the chief registrar and absentee ballot clerk to be certified by the state, staggered terms for Board of Registrars, and requirements for the Department of Human Resources to provide vital statistic records on the 10th day of each month.

The Ethics Committee also heard from Marcia Rubenson with the Georgia Municipal Association (GMA). She expressed concern over the financial burden to municipalities and asked the committee to make sure that the cost of advanced voting was not a hindrance to smaller communities. Currently, voting supervisors must be full-time paid employees of the state, leaving smaller areas to hire additional support. She estimated that the cost per early voter was almost \$100. Chairman Dan Moody (R– Johns Creek) asked the Secretary of State’s Office to meet with representatives of GMA to make sure that the appropriate language is included to properly represent GMA’s concerns. Any changes in voting law in Georgia must be approved at the federal level. They have 60 days to approve or reject any changes. □



Protections against Medical Identity Fraud Pass Judiciary Committee

By Kallarin Richards

CLOB 307 (Feb. 8, 2010) – Georgians could have greater protection against their medical identity being stolen under a bill passed by the Judiciary Committee today. Authored by Sen. Judson Hill (R-Marietta), Senate Bill 334 makes it a felony to fraudulently use anyone’s identifying information to obtain medical care. According to Sen. Hill, medical identity fraud is the fastest growing form of identity fraud in the nation, and is one of the most difficult crimes to track and fine. Before passing the bill, the committee voted to add language that allows for a private cause of action, meaning victims can sue for damages.



The committee also considered a bill that sought to implement a new oath requirement for testimony by a grand jury, and also would have disallowed any testimony to be used as evidence if a witness is not properly sworn in. After concerns from members and district attorneys were raised, SB 313 was revised and passed to essentially reinforce that an oath must be administered to all witnesses.

□

Natural Resources Committee Votes “No” on Snake Bill

By Natalie Strong

CAP 450 (Feb. 8, 2010) - The committee met to hear testimony over the Wild Animal, Pythons and Anacondas Bill for the third and final time. When the bill was brought to a vote, the committee was split down the middle, five in favor and five opposed. Chairman Ross Tolleson (R-Perry) thanked Sen. John Douglas (R-Social Circle) for his time and offered him the opportunity to bring a revised bill to the committee in the future. However, he decided that he could not support recommending the bill for a vote on the Senate Floor in its current form. The bill failed with Chairman Tolleson having the final vote.

The committee also heard testimony from Sen. Chip Pearson (R-Dawsonville) on Senate Resolution 958, which requests that the United States Congress make efforts to enact legislation restricting the EPA’s efforts to regulated greenhouse gas emissions from stationary sources through the CAA until Congress. Representatives of the Georgia Mining and Forestry Industry were present to speak in support of the bill. Lee Lemke with the Georgia Mining Association stressed that the current system caused delays investment and technology advancement towards an energy efficient nation. He assured members of the committee that this resolution would equal more jobs and renew investment in Georgia’s economy. The bill passed unanimously out of committee.



□

Legislative Process Dates

Important Dates in the Legislative Process

Introduction - Last day to file and/or 1st Read in Senate.

30th day - last day to introduce General Senate bills and resolutions (even year). [Rule 3-1.2 (b)]

30th day - last day to accept General House bills and resolutions. [Rule 3-1.2 (b)]

39th day - last day to introduce General Senate bills and resolutions (odd year). [Rule 3-1.2 (b)]

**Note: Senate bills and resolutions must be filed with the Secretary before 4:00 p.m. to be 1st read on the next legislative day.*

Deadlines for passage in current year

Committee Report Deadlines - Last day to read report. Report submitted to Secretary by convening.

28th day - General Senate bills and resolutions.

38th day - Local Senate bills and resolutions.

38th day - General House bills and resolutions.

40th day - Local House bills and resolutions.

Calendar Management

Calendar in numerical order after 2nd reading of legislation; days 1-5. [Rule 4-2.10 (a)]

Rules Committee sets the calendar for days 6 - 40. [Rule 4-2.10 (b)]

General Senate Bills and Resolutions

26th day - File with Secretary of the Senate. [Rule 3-1.2 (a)]

27th day - 1st Reading and referral to committee. [Rule 3-1.2 (b)]

28th day - Committee report read upon convening. (A recommitted bill already 2nd read - report day 29.)

29th day - 2nd Reading. [Rule 4-2.6]

30th day - Passage [Rule 4-2.10 (a)] and immediate transmittal to House. [Rule 4-2.14]

Local Senate Bills and Resolutions

35th day - File with Secretary of the Senate. [3-1.2 (a)]

36th day - 1st Reading and referral to committee. (Cannot pass for 2 days.) [Rule 4-2.4 (c)]

38th day - Favorable report by committee, passage and immediate transmittal to the House. [Rule 4-2.14]

39th day - 2nd Reading in House.

40th day - Favorable report and passage in House.

General House Bills and Resolutions

30th day - Transmitted from House and received by Secretary.

31st day - 1st Reading and referral to committee. [Rule 3-1.2 (b)]

38th day - Favorable report upon convening and 2nd reading. (Applies to days 36 - 38) [Rule 4-2.6]

39th day - Passage. [Rule 4-2.10 (a)]

40th day - Passage of bills or resolutions tabled day 39; removed from the table on day 40. [Rule 4-2.10 (a)]

Local House Bills and Resolutions

39th day - 1st Reading and referral to committee.

40th day - Favorable report by committee and passage.

** Note: On the 30th day and on the last three days of session, bills and resolutions needing action from the House are automatically immediately transmitted. [Rule 4-2.14]*

40th day - Passage of bills or resolutions tabled day 39; removed from the table on day 40. [Rule 4-2.10 (a)]